

Initiative petition adopted by the vote of the people November 7, 2006.

INITIATIVE PETITION FOR CITY ORDINANCE TO PROHIBIT ANYONE UNDER 21 YEARS OF AGE FROM ENTERING BARS, NIGHTCLUBS AND ANY OTHER BUSINESS THAT HAS AS ITS PRIMARY PURPOSE THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES, EXCLUDING RESTAURANTS.

We, the undersigned qualified voters of the City of Springfield Missouri, hereby petition the Council of the City, pursuant to Article XIV of the Springfield City Charter to enact the ordinance hereinafter proposed, and, if not enacted therein by the Council within thirty (30) days from the date the Clerk of the City certifies this petition as sufficient, that the same shall be submitted to the qualified electors of the City within ninety days from the date said petition has been certified as sufficient by the Clerk of the City for approval or rejection by said voters.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SPRINGFIELD AS FOLLOWS:

- A. **Generally.** During a time when alcohol is being consumed, it shall be unlawful for any person under twenty one (21) years of age to be on the premises of any bar, nightclub, establishment, event, or facility that is in the primary business of selling alcohol.
- B. **Exemptions.** This section shall not apply to:
 - 1. Any charitable, religious or other organization that has achieved 501C3 status;
 - 2. Any person under twenty one (21) years of age if accompanied by his or her parent or court appointed guardian; or
 - 3. a restaurant that has more than forty (40) percent of its sales from food prepared on the premises.
- D. **Definitions.** The following definitions shall apply to this ordinance:
 - 1. For purposes of this ordinance, alcohol shall mean intoxicating liquor and non-intoxicating beer as defined in section 10-1. of the Springfield City Code.
 - 2. "Primary Business" means a bar, nightclub, establishment, event or facility where sales from beverages which contain alcohol are sixty (60) percent or more of the annual gross receipts of the sales of the business. Gate receipts will be counted toward alcohol sales when connected to reduced alcohol prices.
- E. **Audits.** The amount of sales of any person who has a license to sell alcohol shall be subject to audit by the Director of Finance (Director) or his or her designee under provisions of Chapter 70 of the City Code. Sales of a person who has a license to sell alcohol shall be verified by the licensee providing to the Director on an annual basis a notarized statement prepared by a certified public accountant, public accountant, auditor, comptroller, or similarly licensed accountant showing total gross receipts, gross receipts from the sale of alcohol, food sales, and other sales including gate admissions on a form established by the Director. The Director shall have authority to establish regulations for the keeping of records relating to gross receipts of the business which regulations shall be on file with the City Clerk.
- F. **Punishment.** Any business subject to the provisions of this ordinance who permits a person under twenty one (21) years of age to be on the premises of the business in violation of subsection A of this ordinance shall be given written notice of the violation pursuant to section 10-40 of the City Code and an opportunity for an administrative hearing under section 10-41 of the City Code to determine if the violation occurred including the right to appeal any such decision in accordance with procedures set forth in section 10-41. If the violation occurred the hearing officer shall take the following action:
 - 1. First offense –suspend the license to sell alcohol for 48 consecutive hours.
 - 2. Second offense within a 12 month period—suspend the license to sell alcohol for two consecutive weeks.
 - 3. Third offense and any subsequent offense within a 24 month period –suspend the license to sell alcohol for one year. Any person under twenty one (21) years of age who violates this ordinance is subject to the penalties set forth in section 1-7 of the City Code.
- G. **Enforcement.** Failure or refusal of a business to provide the necessary form as required by this ordinance of allow an officer or investigator to perform such inspection of the premises at any time the business is open, or at any other reasonable time, shall be grounds for suspension of the liquor license pursuant to Section 10-33 and 10-40 through 10-43.